IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

MONDAY, THE FIFTH DAY OF JULY
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE G. BIKSHAPATHY

and
THE HON'BLE MR JUSTICE B.SESHASAYANA REDDY

WRIT PETITION NO : 10647 of 2004

Between:

G.Vijayalakshmi, W/o.Late G.Siddaiah, Aged about 50 years,
Housewife, R/o.H.No.1/415-A, Maruthinagar, Near Hanuman Temple, Kadapa,
Kadapa District

..... PETITIONER

AND

1. The Cheif Post Master General, A.P.Circle, Dak Sadan, Abids, Hyderabad.

2. The Superintendent of Post Offices, Proddatur Division,
   Proddatur, Kadapa District,

.....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein, the High Court may be pleased to issue a writ, order or direction more particularly one in the nature of writ of Mandamus, declaring the action of the respondent Department in not considering the case of the petitioner for appointment of his son on compassionate grounds, as arbitrary, illegal and contrary to law and consequently direct the Respondent Department to appoint the petitioner's son on Compassionate Grounds by setting aside the Letter No.B/Comp.Appt/GKK dt. 06/02/2004 of the Respondent Department and as well as the Central Administrative Tribunal's order dt. 10/03/2004 made in O.A.No.309 of 2004, with all consequential benefits.

Counsel for the Petitioner: MR. M.C.ACHARYULU
Counsel for Respondents: MR. A.RAJASHEKARA REDDY (SC FOR CG)

The Court made the following

ORAL ORDER:

(Per G.Bikshapathy, J)

1. The writ petition is filed assailing the order of the Central Administrative Tribunal, Hyderabad bench (for short, 'the Tribunal') in O.A.No.309 of 2004, dated 10.03.2004.

2. The husband of the petitioner has voluntarily retired from service with effect from 01.04.2001. But, however, immediately thereafter he died on 23.05.2001. Therefore, an application was filed by the petitioner for compassionate appointment. The said application was rejected on the ground that the compassionate appointment scheme is not applicable in case of voluntary retirement. Against the said order, the matter was carried in O.A.No.141 of 2002 before the Central Administrative Tribunal, Hyderabad Bench. The learned Tribunal, by order dated 06.02.2002, dismissed the said application, against which the present writ petition has been filed.

3. The learned Counsel for the petitioner submits that even though the deceased employee went on voluntary retirement, the matter ought to be viewed as if it is on medical invalidation and the benefit of compassionate appointment scheme ought to be made applicable. We are afraid, we cannot accept the said contention. The husband of the petitioner has applied for voluntary retirement scheme, which came into effect from 1.4.2001. Therefore, the compassionate appointment scheme will not come into play. Thus, we do not find any grounds to interfere with the order of the learned Tribunal.

4. Accordingly, the writ petition is dismissed. No costs.

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(G.BIKSHAPATHY, J)

Dated: 5th July, 2004.

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(B.SESHASAYANA REDDY, J)

ASSISTANT REGISTRAR

// TRUE COPY //

SECTION OFFICER

CHV & ak

Copies to

1.The Hon'ble Sri Justice G.Bikshapathy (for His Lordship's kind perusal).

2.The Hon'ble Sri Justice B.Seshasayana Reddy (for His Lordship's kind perusal).

3.The Chief Post Master General, A.P.Circle, Dak Sadan, Abids, Hyderabad.

4.The Superintendent of Post Offices, Proddatur Division, Proddatur, Kadapa district.

5.Two CD copies.